

Nr ..... 2102 / B/2010 .....  
Ministerstwo Spraw Zagranicznych  
stwierdza zgodność niniejszego do-  
kumentu z prawem obowiązującym  
w Polsce

Oplate skarbową pobrano.



*Grzegorz Augustyniak*  
St. radca

Nie podlega opłacie skarbowej  
(Ustawa z 16.11.2006 r. o opłacie skarbowej  
Dz. U. Nr 225, poz. 1635, art. 2 ust. 1, pkt 1)

Katarzyna Pawlak, M.A., Sworn Translator of English  
02-592 Warsaw, Flat 23, 54/56 Puławska Street  
tel./fax (22) 646-03-41, mobile 0-604-415-617

**CERTIFIED TRANSLATION FROM POLISH**

[The State Emblem of Poland.]  
**REPUBLIC OF POLAND**  
**MINISTER OF JUSTICE**

Warsaw, 8 April 2010

PG V Oz 135/10/E

**Ms**  
**Hillary Clinton**

**Secretary of State**  
**United States of America**

Pursuant to Article 1, Article 2 sections 1 and 2 and Article 12 of the Agreement between the Republic of Poland and the United States of America on Extradition, drawn-up in Washington on 10 July 1996, and pursuant to Article 5 section 2 of the Agreement between the United States of America and the European Union on Extradition, drawn-up in Washington on 25 June 2003, please find enclosed - including a translation to English - a request of the Circuit Prosecutor in Suwałki, ref. no. I Oz 26/10 dated 10 March 2010, for temporary detention and extradition of Polish citizen, Wiesław Jan Kozłowski, suspected of commitment of the offence classified in Article 278 paragraph 1 of the Penal Code, together with the required documents.

Sharing the position expressed in the request, please grant the request a positive consideration.

*[signature illegible]*

Krzysztof Kwiatkowski

*[Round seal with the Polish State Emblem and the inscription:  
"Minister of Justice, 2".]*

I, the undersigned, Katarzyna Pawlak, a Sworn Translator of English in Warsaw, entered in the list of Sworn Translators, kept by the Minister of Justice, entry no. TP/4657/05, hereby certify that the attached translation is a true and correct translation of the document submitted to me in Polish.

Warsaw, date: 14 April 2010

Register No. 281/2010

Fee of PLN 30.07 collected for 1 standard page according to the binding regulations.

Katarzyna Pawlak, M.A.  
Sworn Translator





Katarzyna Pawlak, M.A., Sworn Translator of English  
02-592 Warsaw, Flat 23, 54/56 Puławska Street  
tel./fax (22) 646-03-41, mobile 0-604-415-617

**CERTIFIED TRANSLATION FROM POLISH**

*[The State Emblem of Poland.]*  
**CIRCUIT PROSECUTOR'S OFFICE**  
**in Suwałki**

16-400 Suwałki, 26 Pułaskiego Street  
tel./fax: (0-87) 5677 888, switchboard: 5677 571

Suwałki, 10 March 2010

**I Oz 26/10**  
**Circuit Prosecutor's Office**  
**in Suwałki**

**REQUEST**  
**for temporary detention and extradition**

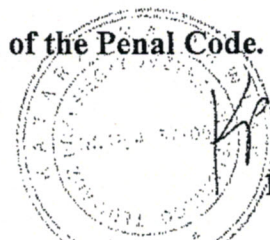
I request temporary detention and extradition of:

**Wiesław Jan Kozłowski**  
son of Frydrych and Halina née Szejter,  
born on 9 November 1966 in Rajgród,  
recently residing in Augustów, Osiedle Śródmieście 28/23

The evidence material gathered in case ref. no. V Ds. 37/96, conducted by the Circuit Prosecutor's Office in Suwałki constituted the grounds for an issue of a decision on submission of charges to Wiesław Jan Kozłowski,  
for the following:

I. on 27 July 1995, while serving as a Police officer in the territory of the District Police Headquarters in Augustów, while accepting, as material evidence for preliminary proceedings, from a STAR truck, registration number TYC 3541, of a cargo of detained and secured cigarettes originating from smuggling, acting jointly and in co-operation with other identified persons, he took, for the purpose of appropriation, at least 1,000 cartons, containing 10 packets each, of GOLDEN AMERICAN, HB and other cigarettes, with a value of at least PLN 28,000, and then he helped with their transportation from the territory of the District Police Headquarters in Augustów and their resale to Jan Haraburda for the amount of PLN 10,000, thus acting to the detriment of the State Treasury,

the above is classified as an offence in Article 278 paragraph 1 of the Penal Code.





II. on 3 September 1995, while serving as a Police officer in the territory of the District Police Headquarters in Augustów, while accepting, as material evidence for preliminary proceedings, from a STAR truck, registration number SWL 7916, of a cargo of detained and secured cigarettes originating from smuggling, acting jointly and in co-operation with other identified persons, he took, for the purpose of appropriation, at least 1,000 cartons, containing 10 packets each, of GOLDEN AMERICAN, MARLBORO, HB and other cigarettes, with a value of at least PLN 28,000, and then he helped with their transportation from the territory of the District Police Headquarters in Augustów and their resale to Jan Haraburda for the amount of approximately PLN 20,000, paid in German marks and in Polish zloty, thus acting to the detriment of the State Treasury,

**the above is classified as an offence in Article 278 paragraph 1 of the Penal Code.**

In particular, the following materials indicate that the suspect is guilty of the commitment of the acts he was charged with:

**Number 1** - minutes on cross-examination as a suspect of Wiesław Jan Kozłowski, dated 16 December 1995, and of 18 December 1995. In his testimony, Wiesław Jan Kozłowski pleaded guilty of the commitment of the acts he was charged with and he stated that on 26 July 1995, at 3.00 p.m., acting together with Włodzimierz Iwanow, he started his duty hours at the District Police Headquarters in Augustów. Starting at 10.00 p.m., he was on home duty. According to the explanation of the suspect, at night, at about 2.00 a.m., at the request of the officer on duty, he reported at the Police Headquarters in order to inspect a STAR truck which was carrying cigarettes originating from smuggling. The truck was parked in the manoeuvre field of the Police Headquarters. To perform the aforementioned activity, in addition to Wiesław Jan Kozłowski, also Włodzimierz Iwanow and Mirosław Kopeć were called. The aforementioned police officers carried cigarettes from the said truck to a business garage number 8. At some point, while unloading the truck, Włodzimierz Iwanow suggested that some of the secured cigarettes might be sold. Wiesław Jan Kozłowski and Mirosław Kopeć agreed to this suggestion. According to the testimony of the suspect, it was agreed that the cigarettes would be first carried to a Polonez belonging to Wiesław Jan Kozłowski, and then Włodzimierz Iwanow would transport them from the territory of the Headquarters and sell to a receiver. In total, the aforementioned person loaded about 1,000 cartons of Golden American and HB cigarettes in the Polonez. Some of the money obtained from the sale of the cigarettes was handed over by Włodzimierz Iwanow to Wiesław Jan Kozłowski.

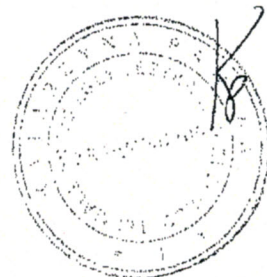




Case 2:14-mj-03225-JBG Document 17-3 Filed 11/25/14 Page 5 of 10 PageID: 231  
Case 2:14-mj-03225-JBG Document 17-3 Filed 11/25/14 Page 5 of 10 PageID: 231  
evening, he was in the premises of the District Police Headquarters in Augustów. At some point he noticed that a Star truck was parked at business garage number 9. The following officers were inside the garage: Waldemar Lewkiewicz, Tadeusz Dzieńszewski, Zenon Szamatowicz, Leon Ciemny and the driver - Adam Zedelo. During a conversation he held with them, he found out that in the Star there were cigarettes originating from smuggling. At some point, Włodzimierz Iwanow came to garage number 9 in his Volkswagen Jetta. According to the testimony of the suspect, during the unloading of the Star, someone suggested that it was possible to sell some of the secured cigarettes. After taking Adam Zedelo to the building of the Police Headquarters, Wiesław Jan Kozłowski, Zenon Szamatowicz, Leon Ciemny and Tadeusz Dzieńszewski started to carry the cigarettes from the truck to the Volkswagen of Włodzimierz Iwanow. In total, the aforementioned persons carried approximately 700 cartons of Marlboro, Golden American and HB cigarettes. After loading his car, Włodzimierz Iwanow went to a receiver in order to sell the cigarettes. In total, he made three rounds. Each time he carried 5 or 6 bags with cigarettes. After the last round, he brought the money and gave each of the aforementioned officers 2,000 German marks (pages from 61 to 68).

**Number 2** - minutes on cross-examination as a suspect of Włodzimierz Iwanow, dated 16 December 1995. According to the testimony of this suspect, on 27 July 1995, the officer on duty of the District Police Headquarters in Augustów told him to report at the Police Headquarters in order to inspect a STAR truck which was carrying cigarettes originating from smuggling. After arriving at the Police Headquarters, Włodzimierz Iwanow met Wiesław Jan Kozłowski. During a conversation, the latter suggested that some of the seized cigarettes could be sold "on the side". The two men went to a business garage number 8 or 9, where the Star truck with the cigarettes was parked. This is where Mirosław Kopeć already waited for them. The truck with the cigarettes was parked with its back to the garage, and a Polonez car of Wiesław Jan Kozłowski was parked next to it. All the participants in the event, including Wiesław Jan Kozłowski, carried cigarettes from the Star to the aforementioned car. In total, the aforementioned persons carried 5 bags of cigarettes. After loading the Polonez, Włodzimierz Iwanow went to a receiver, Jan Haraburda, in order to sell the cigarettes. In total, he made two rounds. The money obtained from the sale was divided among the aforementioned persons.

Moreover, Włodzimierz Iwanow testified that on 3 September 1995, Wiesław Jan Kozłowski came to his apartment and said that Zenon Szamatowicz and Leon Ciemny detained a truck carrying cigarettes originating from smuggling. According to the testimony of the suspect, Wiesław Jan Kozłowski allegedly stated that he had agreed with Zenon Szamatowicz that a part of the cigarettes could be sold "on the side". After arriving at the Police Headquarters in Augustów, Włodzimierz Iwanow met Zenon Szamatowicz, Leon Ciemny and Wiesław Jan Kozłowski.





The aforementioned persons agreed that they would carry the seized cigarettes from the premises of the Police Headquarters and would sell them to a receiver, Jan Haraburda. After this conversation, the aforementioned persons started to reload the cigarettes from the Star to a private car of Włodzimierz Iwanow. After loading his car, Włodzimierz Iwanow went to the receiver in order to sell the cigarettes. In total, he made two rounds. The money obtained from the sale was divided by Włodzimierz Iwanow among the partners (pages from 44 to 47).

**Number 3** - minutes on cross-examination as a suspect of Tadeusz Dzieniszewski, dated 16 December 1995 and 18 December 1995. According to the testimony of this suspect, at the beginning of September 1995 (he does not remember an exact date), an officer on duty of the District Police Headquarters in Augustów instructed him and Waldemar Lewkiewicz to perform an inspection of a Star truck carrying cigarettes originating from smuggling. The truck was in the premises of the Police Headquarters. The inspection of the truck was also participated in by the following officers: Leon Ciemny and Zenon Szamatowicz. According to the suspect, at some point, during the unloading of the Star, Wiesław Jan Kozłowski and Włodzimierz Iwanow came to the storeroom. Wiesław Jan Kozłowski suggested that some of the cigarettes could be transported from the Police Headquarters and sold to a receiver. The idea of Wiesław Jan Kozłowski was approved by the other officers, and therefore, Włodzimierz Iwanow came to the storeroom in his Volkswagen Jetta and they started to load his car. The cigarettes were carried by, among others, Wiesław Jan Kozłowski and Włodzimierz Iwanow. At that time Waldemar Lewkiewicz went to the building of the Police Headquarters. After loading his car, Włodzimierz Iwanow went to the receiver twice in order to sell the cigarettes.

**Number 4** - minutes on cross-examination as a suspect of Leon Ciemny, dated 18 December 1995. According to the testimony of the suspect, on 3 September 1995, in the afternoon, he was at the premises of the District Police Headquarters in Augustów. There, during a conversation with Wiesław Jan Kozłowski, Włodzimierz Iwanow, Waldemar Lewkiewicz, Tadeusz Dzieniszewski and Zenon Szamatowicz, a suggestion was made to sell "on the side" some of cigarettes originating from smuggling which were in a seized Star truck. According to the testimony of the suspect, the cigarettes were carried from the premises of the Police Headquarters by Włodzimierz Iwanow in a Volkswagen Jetta (paged number from 98 to 99).

*The offences which Wiesław Jan Kozłowski was charged with are threatened with a penalty of imprisonment for a period of 3 months to 5 years.*





Statute of limitation with regard to the offences which Wiesław Jan Kozłowski was charged with is as follows:

- for the offence described in point I of the decision on an amendment to the decision on submission of charges, dated 26 August 2003 - **27 July 2015**
- for the offence described in point II of the decision on an amendment to the decision on submission of charges, dated 26 August 2003 - **3 September 2015.**

The investigation concerned has not been completed so far, because not all procedural activities with the participation of the suspect, Wiesław Jan Kozłowski, has been completed, as he has been hiding from the prosecuting authorities since 1996.

Since 5 March 1996, Wiesław Jan Kozłowski has been searched for by means of a wanted letter in the matter concerning the aforementioned theft.

The search conducted in this matter has not brought about any positive results.

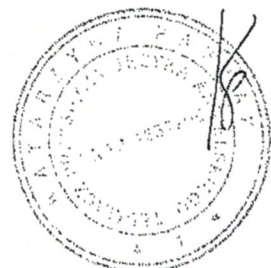
In the course of the search for Wiesław Jan Kozłowski, it was established that the suspect does not reside at the place of his permanent residence, and no other place of his residence in Poland has been identified.

Based on the findings of the present matter, at the request of the Circuit Prosecutor's Office in Suwałki, the District Court in Suwałki, by means of its decision of 12 March 2004 (case ref. no. II Kp 112/04), applied a preventive measure against Wiesław Jan Kozłowski in the form of temporary detention. Then, a wanted letter was circulated, and an international search was commenced.

Temporary detention of a suspect and search for him by means of a wanted letter may, according to the wording of Articles 258 and 279 of the Penal Proceedings Code, take place if, *inter alia*, the suspect hides or has no permanent address of residence in Poland.

Both of these circumstances apply to the suspect, Wiesław Jan Kozłowski.

The search for Wiesław Jan Kozłowski conducted so far, both in Poland and internationally, has nor been effective.



Republic of Poland in New York, dated 31 October 2005, the suspect, Wiesław Jan Kozłowski, resides in that city at the following address: 154 Palisade Avenue Apt 1 A Garfield NJ 07026.

In addition, I would like to add that the fingerprints of the aforementioned person have not been taken in the territory of the Republic of Poland so far.

With a view to the aforementioned circumstances, I apply for temporary detention and extradition of the suspect.

In addition, I declare that the wording of this request is consistent with the evidence material gathered in the matter.

Moreover, I assure that Wiesław Jan Kozłowski shall not be held liable, without the consent of the relevant authorities of the United States of America, for any offences which are not covered by this request and he shall not be handed over to the authorities of any other state.

**Please find the following documents attached to this request:**

- 1) a certified copy of a decision of the District Court in Suwałki, dated 12 March 2004, for temporary detention;
- 2) a certified copy of a decision of the Circuit Prosecutor's Office in Suwałki, dated 23 March 2004, ordering a search for the suspect by means of a wanted letter, and of a wanted letter;
- 3) a copy of the suspect's photograph;
- 4) an extract from the provisions of the Penal Code.

**CIRCUIT PROSECUTOR**

*[signature illegible]*

**HANNA LEWCZUK**

*[Round seal with the Polish State Emblem and the inscription:  
"Circuit Prosecutor's Office in Suwałki, 1".]*

I, the undersigned, Katarzyna Pawlak, a Sworn Translator of English in Warsaw, entered in the list of Sworn Translators, kept by the Minister of Justice, entry no. TP/4657/05, hereby certify that the attached translation is a true and correct translation of the document submitted to me in Polish.

Warsaw, date: 14 April 2010

Register No. 282/2010

Fee of PLN 390.91 collected for 13 standard pages according to the binding regulations.





**CERTIFIED TRANSLATION FROM POLISH**

V Ds. 37/96/S

**DECISION**  
**on an amendment to the decision on submission of charges**

Suwałki, 26 August 2003

JÓZEF MURAWKO - Prosecutor at the Circuit Prosecutor's Office in Suwałki, taking into consideration the data gathered in the matter against **WIESŁAW JAN KOZŁOWSKI**,

acting pursuant to Article 313 paragraphs 1 and 2 of the Penal Proceedings Code, Article 314 of the Penal Proceedings Code and Article 325a of the Penal Proceedings Code,

**hereby decides:**

- to amend a decision on submission of charges to **WIESŁAW JAN KOZŁOWSKI**, issued on 16 December 1995, supplemented by a decision issued on 18 December 1995, and submit to the aforementioned suspect the following charges:

I. On 27 July 1995, while serving as a Police officer in the territory of the District Police Headquarters in Augustów, while accepting, as material evidence for preliminary proceedings, from a STAR truck, registration number TYC 3541, of a cargo of detained and secured cigarettes originating from smuggling, acting jointly and in co-operation with other identified persons, he took, for the purpose of appropriation, at least 1,000 cartons, containing 10 packets each, of "Golden American", "HB" and other cigarettes, with a value of at least PLN 28,000, and then he helped with their transportation from the territory of the District Police Headquarters in Augustów and their resale to Jan Haraburda for the amount of PLN 10,000, thus acting to the detriment of the State Treasury,

**the above is classified as an offence in Article 278 paragraph 1 of the Penal Code.**

[Stamp:]

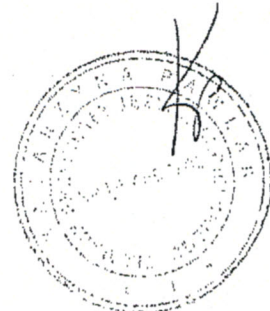
Certified to be a true copy  
of the original  
by

[Stamp:]

Prosecutor of the Circuit Prosecutor's Office  
in Suwałki

[signature illegible]  
Cezary T. Grabala

[Round seal with the Polish State Emblem and the inscription:  
"Circuit Prosecutor's Office in Suwałki, I".]



II. On 3 September 1995, while serving as a Police officer in the territory of the District Police Headquarters in Augustów, while accepting, as material evidence for preliminary proceedings, from a STAR truck, registration number SWL 7916, of a cargo of detained and secured cigarettes originating from smuggling, acting jointly and in co-operation with other identified persons, he took, for the purpose of appropriation, at least 1,000 cartons, containing 10 packets each, of "Golden American", "Marlboro", "HB" and other cigarettes, with a value of at least PLN 28,000, and then he helped with their transportation from the territory of the District Police Headquarters in Augustów and their resale to Jan Haraburda for the amount of approximately PLN 20,000, paid in German marks and in Polish zloty, thus acting to the detriment of the State Treasury,

the above is classified as an offence in Article 278 paragraph 1 of the Penal Code.

Rectangular stamp reading:

HEAD  
OF THE INVESTIGATION DIVISION  
OF THE CIRCUIT PROSECUTOR'S OFFICE IN SUWAŁKI  
Józef Murawko  
/-/ signature illegible

[Stamp:]  
Certified to be a true copy  
of the original  
by

[Stamp:]  
Prosecutor of the Circuit Prosecutor's Office  
in Suwałki  
[signature illegible]  
Cezary T. Grabala

[Round seal with the Polish State Emblem and the inscription:  
"Circuit Prosecutor's Office in Suwałki, 1".]

I, the undersigned, Katarzyna Pawlak, a Sworn Translator of English in Warsaw, entered in the list of Sworn Translators, kept by the Minister of Justice, entry no. TP/4657/05, hereby certify that the attached translation is a true and correct translation of the document submitted to me in Polish.

Warsaw, date: 14 April 2010

Register No. 283/2010

Fee of PLN 90.21 collected for 3 standard pages according to the binding regulations.

  
Katarzyna Pawlak, M.A.  
Sworn Translator  
